

REMARKS/ARGUMENTS

Claims Status

Claims 1 and 3-9 are pending and remain as presented in the response filed on April 16, 2009, and subsequently entered via RCE on May 14, 2009.

Specification Objection

The Office has requested a substitute specification “in proper idiomatic English.” Applicants submit herewith such a substitute specification (both a marked-up copy and a clean copy). Applicants submit that the substitute specification contains no new matter and has merely been amended for grammatical purposes. Accordingly, Applicants request withdrawal of this objection.

Non-Statutory Obviousness-Type Double Patenting Rejections

To address the non-statutory obviousness-type double patenting rejections over U.S. Patent No. 7,109,283 and U.S. Application No. 10/511,099, Applicants submit herewith Terminal Disclaimers¹ in compliance with 37 C.F.R. §1.321(c). Accordingly, Applicants believe that these grounds of rejection are no longer at issue and should be withdrawn. Acknowledgement to this effect is requested.

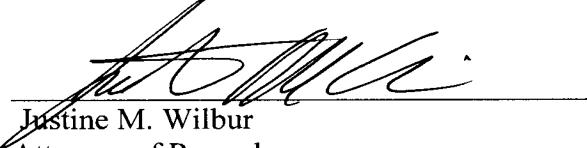
¹ Applicants submit that the filing of said terminal disclaimers to obviate the rejections based on non-statutory double patenting is not an admission of the propriety of the rejections. See *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991), where the court indicated that the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.”

Conclusion

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the specification objection and non-statutory obviousness-type double patenting rejections and passage of this case to issue.

Respectfully submitted,

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